

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

UNISYS CORPORATION,

Defendant

Civil Action No. 04-CV-11610-RGS

DEFENDANT'S MOTION FOR LEAVE TO FILE
MEMORANDUM IN EXCESS OF TWENTY PAGES

Pursuant to Local Rule 7.1(B)(4), the defendant, Unisys Corporation (“Unisys”), hereby moves for leave to file its combined post-trial memorandum, submitted herewith, of 41 pages, comprising (1) arguments and authority in support of Unisys’s renewed motion, filed herewith, for judgment as a matter of law under Fed. R. Civ. P. 50(b); and (2) Unisys’s opposition to the motion by plaintiff Visible Systems Corporation (“VSC”) seeking entry of a judgment, comprising an injunction and other relief, based on the jury verdict.¹

VSC’s motion (1) requests entry of a broad injunction against Unisys; (2) seeks a “supplemental jury trial” for further fact-finding on VSC’s claim for disgorgement of Unisys’s profits, or in the alternative an award by the Court of \$100 million in profits-disgorgement; (3) seeks re-consideration of Magistrate Judge Bowler’s July 12, 2007 decision denying a discovery motion by Visible Systems; (4) requests multiple damages under 15 U.S.C. § 1117(a); and (5) requests attorneys’ fees on the ground that this is an

¹ “Plaintiff’s Motion for Injunction, Declaratory Rulings Based on Jury Verdict, Award of Profits, and Attorneys Fees,” Document No. 118.

“exceptional case” within the meaning of that statute. Unisys would, of course, be entitled to file a response to this motion of up to twenty pages.²

In order to promote efficiency by having all pertinent issues before the Court at the same time, Unisys has included, in the same memorandum as its opposition, the arguments in support of its cross-motion for entry of judgment in its favor pursuant to Fed. R. Civ. P. 50(b) and 59. Unisys would have been entitled to file a separate memorandum of up to twenty pages in support of its motion, but instead simply seeks to combine the two filings in a single memorandum of just over forty pages.

WHEREFORE, Unisys respectfully requests that this Court grant it leave to file a Post-Trial Memorandum of 41 pages.

Dated: September 18, 2007

UNISYS CORPORATION,
By Its Attorneys,

/s/ William L. Boesch
Anthony M. Doniger, BBO No. 129420
William L. Boesch, BBO No. 558742
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CERTIFICATE OF SERVICE

I hereby certify that this document is being filed through the ECF system, and that I am therefore relying on the system to complete service by sending copies of the filing electronically to the necessary counsel, who are registered participants.

/s/ William L. Boesch

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² Local Rule 7.1(B)(4).